

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAVID PUTZER,	)	
	)	
Plaintiff,	)	3:07-cv-00498-LRH (RAM)
	)	
v.	)	
	)	<u>ORDER</u>
GLEN WHORTON, et al.,	)	
	)	
Defendants.	)	
_____	)	

The Court has considered the Report and Recommendation of United States Magistrate Judge Robert A. McQuaid, Jr. (#27<sup>1</sup>) entered on August 6, 2008, in which the Magistrate Judge recommends that Defendants' Motion to Dismiss (#14) be granted in part and denied in part and that Plaintiff's Motion for Class Action Certification (#12) be denied. No objection was filed by either Plaintiff or Defendants. The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

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<sup>1</sup>Refers to court's docket number.

1 ADOPTS AND ACCEPTS the Report and Recommendation of the United States  
2 Magistrate Judge (#27); therefore, Defendant's Motion to Dismiss (#14) is granted in part and denied  
3 in part as follows:

- 4 1. Defendants' motion to dismiss Plaintiff's due process claim should be DENIED.
- 5 2. Defendant's motion to dismiss Plaintiff's § 1985(3) civil conspiracy claim should  
6 be GRANTED.

7 IT IS FURTHER ORDERED that Plaintiff's Motion for Class Action Certification (#12)  
8 is DENIED.

9 IT IS SO ORDERED.

10 DATED this 2nd day of September, 2008.

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14 LARRY R. HICKS  
15 UNITED STATES DISTRICT JUDGE  
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